

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES SMALL  
BUSINESS ADMINISTRATION**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:13CV242-LG-JMR**

**LYNN E. NELSON**

**DEFENDANT**

**ORDER DENYING MOTION FOR EMERGENCY RELIEF**

BEFORE THE COURT is Plaintiff Lynn E. Nelson's Emergency Request for Enforcement of the Court's Writ of Assistance and Emergency Request for Motion to Temporarily Halt the SBA's Removal of Personal Property fr the Residence [24]. Nelson requests that the Court stop the Small Business Administration from executing its Writ of Assistance, or return her personal property to her at the government's expense. The government has responded to the Motion, and Nelson has replied.

On April 10, 2014, the Court entered an Order awarding possession of Nelson's Diamondhead residence to the Small Business Administration. (Memo. Op. & Order Apr. 10, 2014, ECF No. 16). The Court's Order directed the clerk of court to issue a Writ of Assistance "authorizing and directing the United States Marshal to remove Lynn E. Nelson and her property from the house located at 23107 Coelho Way, Diamondhead, Mississippi." The Writ of Assistance was issued by the clerk on April 24, 2014. (ECF No. 19).

Nelson complains that the SBA should have taken her property out of the house by May 22, 2014 to be in compliance with the Writ of Assistance. She

contends that the SBA's failure to take possession of the property by May 22, 2014, makes it responsible for loading the property into a truck so that she can take it to storage.

The government responds that it immediately took possession of the house, but allowed Nelson an opportunity to make arrangements to remove her property from the house. When she failed to do so, the government removed the property to a local storage facility on May 30, 2014. Nelson sent an email to the Marshal Service on June 9, 2014, stating, "I am leaving the area. Enjoy my personal possessions in good health." (Gov't Resp. Ex. B, ECF No. 27-2).

Now that the government has moved Nelson's property out of the house, Nelson objects to the government's storage arrangements, because the facility (Fayard Storage) is twenty-five miles away from Diamondhead and imposes a fee to open the unit or remove her property. She contends that her property is subject to damage from moisture at the storage facility. She asserts she has changed her mind about wishing the government to enjoy her property in good health and wishes it to be returned to her at no cost to herself, and reimburse her for any items that have been damaged during storage.

The Court finds that Nelson is not entitled to the relief she has requested. She had ample notice that she must vacate the house and remove her possessions, but did nothing. Under these circumstances, the government's action of removing the items and storing them was well within the authority granted it by the Writ of Assistance.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Lynn E. Nelson's Emergency Request for Enforcement of the Court's Writ of Assistance and Emergency Request for Motion to Temporarily Halt the SBA's Removal of Personal Property from the Residence [24] is **DENIED**.

**SO ORDERED AND ADJUDGED** this the 31<sup>st</sup> day of October, 2014.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE